

IN THE MATTER OF
United States Patent Application No 09/647098
In the name of **Eimeria Pty Limited** and
the **State of Queensland** through the
Department of Primary Industries, and
the **Rural Industries Research**
and **Development Corporation**

This is Exhibit **PAS-2** referred to the in the Statutory Declaration of Dr Peter
A Stearne made before me.

DATED this 27th day of April 2001.

BEFORE ME: Ross Heisey

RÓSS M. HEISEY
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Registered Patent Attorney within the
meaning of the Patents Act 1990

DAVIES COLLISON CAVE
PATENT & TRADE MARK ATTORNEYS

8 April, 1999

Bioproperties Pharmaceuticals Pty Ltd
55 Wonga Road
NORTH RINGWOOD VIC 3134

Attention: Mr David Tinworth

Our Ref: 724077/PS

Re: Eimeria Pty Limited AND The State of Queensland through the
Department of Primary Industries AND Rural Industries
Research and Development Corporation
New International Patent Operation
"Vaccination modalities"

Dear David,

I am writing to advise the abovementioned patent application was filed on 30 March 1999. A copy of the PCT Request form, and specification are enclosed. As you will see from the application the following parties were named as applicants for all states outside the United States:

Eimeria Pty Limited
The State of Queensland through the Department of Primary Industries
Rural Industries Research and Development Corporation

In respect of the United States, where the inventors are the applicants, who subsequently assign the case to their employer/party to whom they are obliged to assign, are as follows:

David Grant Richards
Wayne Keith Jorgensen
Norman Porter Stewart

As you will see from page 3 of the PCT Request form all available countries under the Patent Cooperation Treaty were designated.

The application claims priority from Australian provisional patent application
No. PP 2683 filed 30 March 1998

Davies Collison Cave
PATENT & TRADE MARK
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In association with:
Davies Collison Cave Solicitors,
Intellectual Property Law

8 April, 1999

We will receive an International Search Report on this case in about four months time and we will forward this to you when it comes to hand.

We note the international application will published at 18 months from the earliest priority date, that is on 30 September 1999.

An important issue is whether International Preliminary Examination will be requested for this case. Fees amounting to some \$1200, if paid before 19 months before the earliest priority date, that is **30 October 1999**, delays the time for entering into the so-called national stage of the application, and in addition provides the opportunity to amend the specification and claims. Further, a non-binding examination report issues. The deferring of costs associated with the national phase is an important issue here. If one does not request International Preliminary Examination, these costs become payable at the 20 month date, rather than the 30 month date. As these costs will generally amount to some \$3000-\$4000 per country, and certainly more in respect of regions like Europe, and countries where translations are required, it is often preferable to delay their imposition for as long as possible. Would you please let me know as a matter of some urgency whether you wish to request International Preliminary Examination.

The specification incorporates all amendments suggested to the original provisional specification by Dr Richards.

We take this opportunity to enclose our debit note for services this matter. Please let us know if you have any questions.

Yours sincerely
DAVIES COLLISON CAVE


DR PETER A STEARNE

Encl.